

Coast Guard, Dept. of Homeland Security

§ 42.07–45

vessels specifically designated by the Commandant.

[CGFR 68–60, 33 FR 10053, July 12, 1968, as amended by USCG–1998–4442, 63 FR 52190, Sept. 30, 1998]

§ 42.07–43 Change in assigning authority.

(a) If the owner desires a change in assigning and issuing authority for a vessel, a special request shall be made in writing to the Commandant at least 90 days prior to the expiration date of the present certificate or the annual endorsement thereon.

(b) A change in the assigning authority does not presume any change in assigned load lines.

[CGFR 68–60, 33 FR 10053, July 12, 1968]

§ 42.07–45 Load line certificates.

(a) The load line certificates for which the Government of the United States of America assumes full responsibility may be issued by the Commandant, the American Bureau of Shipping, or a recognized classification society when appointed as an authorized assigning and issuing authority for specifically designated vessels.

(b) The load line certificate shall certify to the correctness of the load line marks assigned to the vessel and that the vessel is in compliance with applicable requirements. A certificate issued under this subchapter also shall describe the applicable load line marks, conditions, restrictions, and/or exemptions, if any, the vessel shall observe, according to the season of the year and the zone or area in which the vessel may operate. The load line exemption certificate issued under § 42.03–30 shall certify the special conditions the vessel shall observe.

(c) A load line assignment and certificate issued to any vessel under the authority of the regulations in this subchapter (or under the authority of any Government adhering to the 1966 Convention, under the provisions of Article 19(5) of the 1966 Convention) shall cease to be valid upon the transfer of such vessel to the flag of another Government.

(d) Each loadline certificate is issued for the following length of time:

(1) An international and coastwise certificate is issued for 5 years and may be extended by the Commandant up to 150 days from the date of the—

(i) Survey that is endorsed on the certificate by the surveyor authorized by the Coast Guard; or

(ii) Last day of the 5-year period.

(2) A Great Lakes certificate is issued for 5 years and may be extended by the Commander, Ninth Coast Guard District, up to 365 days from date of the—

(i) Survey that is endorsed on the certificate by the surveyor authorized by the Coast Guard; or

(ii) Last day of the 5-year period.

(e) The form of certificate certifying to the correctness of the load line marks, assigned under the regulations in this part, may be in the form of temporary or provisional certificate, signed by the authorized surveyor pending early issuance of appropriate certificate as shown in subpart 42.50 of this part as follows:

(1) International Load Line Certificate, 1966, issued to U.S. vessels engaged in foreign voyages, or engaged in coastwise or intercoastal voyages (provided such vessels qualify to engage in foreign voyages without restriction), as follows:

(i) Form *A1*, For general use.

(ii) Form *A2*, For sailing vessels.

(iii) Form *A3*, For general use, combined with timber deck cargo.

(2) Certificate issued to foreign vessels belonging to countries that have not ratified or acceded to the 1966 Convention as follows:

(i) Form *B*, For general use.

(3) Coastwise load line certificate (other than for special service as provided for by part 44 of this subchapter) issued to U.S. vessels engaged solely in coastwise and/or intercoastal voyages (which may be subject to restrictions as to manning, routes, seasons, waters of operations, etc., as shown on the face of the certificate), as follows:

(i) Form *C1*, For general use.

(ii) Form *C2*, For sailing ships.

(iii) Form *C3*, For general use, combined with timber deck cargo.

(f) The form of certificate certifying to the correctness of exemptions granted under the regulations in this part shall be as shown in subpart 42.50 of this part as follows:

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(1) International load line exemption certificate issued under special conditions to U.S.-flag vessels engaged in foreign voyages, as follows:

(i) Form *E1*. For general international use.

(ii) Where this certificate is intended to expire after a single voyage, this information shall be noted on the face of the certificate.

(2) International load line certificate Form A1, A2, or A3 issued under special conditions to U.S.-flag vessels on international voyages between the United States and near neighboring ports of its possessions or of foreign countries. Exemptions, if any, shall be specified on the certificate.

(g) The issuing authority shall provide the printed forms it may use under the regulations in this subchapter. These forms shall be approved by the Commandant before final printing. The international load line certificate and exemption certificate forms shall exactly reproduce the arrangement of the printed part of the model Forms *A1*, *A2*, *A3*, and *E1* indicated in subpart 42.50 of this part for all official copies and any certified copies issued.

(h) Where a vessel qualifies for and is issued a Form *E1* International Load Line Exemption Certificate for foreign voyages but is also or solely engaged in coastwise or intercoastal voyages by sea, this certificate shall be considered equivalent to a valid coastwise load line certificate. In such case the vessel shall be deemed in full compliance with 46 U.S.C. 5101-5116 and the regulations in this part promulgated thereunder.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 73-49R, 38 FR 12290, May 10, 1973; CGD-74; 153, 39 FR 25324, July 10, 1974; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 96-006, 61 FR 35964, July 9, 1996; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.07-50 Penalties for violations.

(a) The penalties for violation of various provisions of the load line acts or the regulations established thereunder are set forth in 46 U.S.C. 5116. The Secretary of Transportation by 49 CFR 1.46(b) has transferred to the Commandant authority to assess, collect, remit or litigate any monetary penalty imposed under these laws.

(b) The master and/or owner of a vessel that is operated, navigated, or used in violation of the provisions of the load line acts, or the regulations in this subchapter will be subject to the penalties as set forth in law, and the vessel shall also be liable therefor. Depending upon the gravity of the violations, the Coast Guard may do any one or more of the following:

(1) Detain a vessel if deemed to be overloaded in violation of title 46 U.S.C. 5112, in accordance with 46 U.S.C. 5113 and have the vessel surveyed by three disinterested surveyors.

(2) Assess and collect applicable monetary penalties for certain violations as provided in 46 U.S.C. 5112 and 5116.

(3) Initiate a criminal prosecution for certain violations when required by 46 U.S.C. 5112 or 5116.

(4) Initiate an action of libel against the vessel involved if there is a failure to pay monetary penalties assessed.

(5) Initiate a suspension or revocation proceeding, in addition to the foregoing actions described in this paragraph against any officer or seaman holding a valid Coast Guard license or merchant mariner's document and who may violate any provision of the load line acts, the 1966 Convention, or the regulations in this subchapter, under the provisions of 46 U.S.C. Chapter 77, and the regulations in 46 CFR part 5.

(c) In determining offenses, 46 U.S.C. 5116 provides that 'Each day of a continuing violation is a separate violation' and

(d) The procedures governing the assessment, collection, remission and litigation of any monetary penalty proposed under 46 U.S.C. 5116 for a violation of either load line law or the applicable regulations in this subchapter, as well as the appeal procedures to be allowed, are in 33 CFR subpart 1.07.

[CGFR 68-60, 33 FR 10054, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; CGD 80-120, 47 FR 5722, Feb. 8, 1982; CGD 97-057, 62 FR 51043, Sept. 30, 1997]

§ 42.07-55 Cancellation of load line certificates or exemption certificates.

(a) Since vessels described in § 42.03-5 or § 42.03-10 when found qualified are